FOR MYSORE STATE

Agriculture (1956) Department.

Ms SERIES.

G.O. No. 780

passed
Supdt

Dated 22-3-1958

27

[Despatch Abstract.]

Public Servants - Madras Fisheries Subordinate Service - Balakrishnan (Sri) Jt. Fisheries Engineer Supervisor - Stoppage of increment - Appeal - Order passed -

DEPARTMENT OF INDUSTRIES AND COMMERCE

From
The Director of Industries and Commerce, Chepauk, Madras.

To
The Secretary to Government, Agriculture Department, Madras.

No. RC.57352/E3/55 dated: 3-8-1955.

Sir,

Sub: Fisheries - Balakrishnan Sri I - Fisheries Engineering Supervisor - Stoppage of increment of six months - Appeal against the orders of the Director of Industries and Commerce - Petition to Government.

I submit herewith the petition dated 17-8-55 from Sri I. Balakrishnan, Fisheries Engineering Supervisor appealing against the orders of the Director of Industries and Commerce issued in proceedings No. D.Dis. 14255/E3/55 dated 12-5-55 stopping his increment for a period of six months without cumulative effect.

The facts of the case are as indicated below:-

2/ The Assistant Director of Fisheries, Mangalore was asked in this office RC.4236-54-X1 dated 20-5-54 to submit a very dimensioned sketch for the work relating to the special repairs to Maravanthe Fish Curing Yard and to furnish the certificate for the estimate as instructed in the circular memo. No.1513/X1/54 dated 10-3-54. The Assistant Director of Fisheries, Mangalore in turn requested the Fisheries Engineering Supervisor to submit the dimensioned sketch for the above work.

3/ Sri I. Balakrishnan, Fisheries Engineering Supervisor submitted the sketch in October 1954 after a lapse of six months. Even after a delay of six months he did not care to submit an useful and clear sketch and it had to be returned for revision. Hence charges were framed against him and he was asked to show cause as against stoppage of increment for one year without cumulative effect. The explanation submitted in his letter dated 9-3-55 was found unsatisfactory. However a lenient view was taken and his increment was stopped for a period of six months without cumulative effect, in this office proceedings No.D.Dis. 14255- E3/55 dated 12-5-55.

4/ Now Sri, I. Balakrishnan has submitted a petition appealing against the orders dated 12-5-55.

5/ I offer below my remarks on the contentions raised in the appeal petition.

Charge No.1: that Sri I. Balakrishnan Fisheries Engineering Supervisor submitted a sketch in October 1954 after a lapse of six months.

6/ Sri I. Balakrishnan states that he has jurisdiction over seven districts and that due to heavy and urgent work in other areas, he could not attend to the work in question immediately. He also contends that if the paper under reference was so very urgent as to deserve priority, the Assistant Director of Fisheries, Malabar, to whose office he is attached, should have directed him to proceed to Maravanthe without delay, as his programme of work is entirely under his control.

I submit that the work in question related to South Kadara district. Hence this office reminded several times the Assistant Director of Fisheries, Mangalore only. The Assistant Director of Fisheries, Mangalore in his RC.5454 C.54 dated 10-6-54 directly addressed the Fisheries Engineering Supervisor to expedite the dimensioned sketch. Again in his letters dated 26-7-54 and 3,9-54, the Assistant Director of Fisheries, Mangalore reminded the Fisheries Engineering Supervisor through the Assistant Director of Fisheries, ~~Mangalore~~ Malabar to expedite the sketch. The Fisheries Engineering Supervisor cannot therefore say that he had no sufficient warning to expedite matters relating to this case. If as stated by him, the Assistant Director of Fisheries, Malabar is to arrange for his tour programme, the fact that he had received three reminders on this work should have been taken by him to the notice of the Assistant Director of Fisheries, Malabar and touring arranged. The Fisheries Engineering Supervisor failed to do this. He is responsible for this delay. He cannot shove it on his Superior Officer.

Charge No.2. that after a delay of so many months he did not care to submit a useful and clear sketch.

Explanation. He states that the order was specific as to the revision of the estimate and that there were no adverse remarks or directions whatever regarding the sketch in the memorandum of the Director.

I submit that the sketch required was for repairing a building. Being a Supervisor he ought to have shown in the sketch the existing structure and the repairs proposed to be carried out. He did not furnish these details. It was pointed out to him in this office memo. 4236/XI/54-2 dated 29-12-54. The Fisheries Engineering Supervisor when once submitted a sketch should have seen that it was complete in all respects. The explanation offered by the Fisheries Engineering Supervisor is not therefore satisfactory.

Sri T. Balakrishnan further states that no expert technical opinion appears to have been obtained as to its unserviceability.

I submit that the sketch was scrutinised by the Special Engineer (Construction) of my Department who has stated that the repairs proposed were not clearly shown in the sketch. Hence the contention of the Fisheries Engineering Supervisor is not correct.

Another point raised by him now is, that he being a subordinate of the Public Works Department the lending authority (viz) Chief Engineer should have been consulted before stopping his increment.

I submit that the fact that he is a subordinate of the Public Works Department was lost sight of and the Special Engineer was not consulted before hand as required in Rule 16(ii) of Civil Services Classification and Control and Appeal Rules. But this did not cause any injustice to the person concerned. The accused was given opportunity to defend himself and orders were passed on the explanation submitted by him. I therefore request that this error in procedure may please be disregarded under Rule 23(2) of the Civil Services Classification, Control and Appeal Rules.

This office file D.Dis. 14255-55-E3 dated 12-5-55 containing the charge memo. and the explanation of Fisheries Engineering Supervisor and D.Dis. 4236- 54- X1 dated 17-3-55 are enclosed herewith for reference and return.

Crk.4.8. Encl. 1 Petition

For Director of Industries and Commerce.

6701-F

57352

To

The Secretary to the Government of Madras,
Agriculture Department,
Fort St. George, Madras.

OFFICE OF THE ASSISTANT DIRECTOR OF FISHERIES (1ST) CALICUT
22 JUN 1955
B/2216
Three

The Proper Channel.

Balakrishnan, I - Fisheries Engineering Supervisor, Kozhikode — Appellant.

Sir,

The appellant humbly begs permission to prefer this appeal against the order of the Director of Industries and Commerce, Madras No.D.Dis.14255/53 dated 12.5.1955 stopping his increment for a period of six months without cumulative effect. A true copy of the order appealed against is enclosed for kind perusal. (Page 5)

2. Two charges were framed against the appellant viz.,

i. That Sri. I. Balakrishnan, Fisheries Engineering Supervisor, submitted the sketch in October 1954 after a lapse of six months.

ii. That after a delay of so many months, he did not care to submit a useful and clear sketch.

The appellant may be permitted to state his case in their serial order.

Charge No.1: The appellant received an order from the Assistant Director of Fisheries, Bangalore, through the Assistant Director of Fisheries, Malabar, towards the end of June 1954 to submit a dimensioned sketch for the work relating to the special repairs to Narvantha Fish Curing Yard, 212 miles away from Kozhikode (137 miles by rail and 75 by road). But, the appellant could not go to Naravantha for a long time as he had to attend to a lot of other more urgent and important

p.t.o

items of work entrusted to him by the Assistant Director of Fisheries, Malabar; Assistant Director of Fisheries (Marine Biology), West Hill and the Assistant Director of Fisheries, Madurai. The appellant may be permitted to mention here that his jurisdiction is spread over seven districts viz., Malabar, South Canara, Nilgiris, Coimbatore, Ramnad, Madurai and Salem. Though the area of his jurisdiction covers well nigh half of the Madras State, he is attached to the office of the Assistant Director of Fisheries, Malabar, at Kozhikode, and his programme of work is entirely under his control. It is for him to decide the degree of urgency of each paper with reference to the papers on hand and fix up the appellant's programme. Since the receipt of the order of the Assistant Director of Fisheries, Bangalore referred to above, the appellant had to run up to such distant places as Krusadi in Ramnad, Ootacamund in Nilgris, Bhavani Sagar in Coimbatore etc., besides a large number of places in Malabar itself, to attend to urgent and pressing work such as preparation of original plans and estimates, check measurement of completed works etc., under his orders. At headquarters also he had to attend to the scrutiny of estimates, scrutiny of completion reports, preparation of detailed plans and estimates/ for original major works such as providing a Fish Farm at Kalamuzha (Rs.17,850/-), providing a school building at Bekal (South Canara)(Rs.15,400/-), an overhead tank at Krusadi (Ramnad)(Rs.11,000/-) and Supervisor's quarters at Krusadi (Rs.9,500/-) over and above a large number of original minor work, estimates and repair estimates. A statement showing the work turned out by the appellant during 1954-55 is enclosed for kind perusal. (Page-4-) The volume of the work turned out by him during the year under reference, single handed, without the assistance of even a clerk or a work assistant

may more or less be inferred from this. The Assistant Director of Fisheries, Malabar, under whose direct control the appellant is working will, the appellant is confident, bear testimony to this. If the paper under reference was so urgent as to deserve priority over all the other urgent papers awaiting attention, the Assistant Director of Fisheries, Malabar would have directed the appellant to proceed to Iravanthe without delay. In the absence of any such order, the reference was treated as one which could afford to wait, and the appellant attended to it after finishing urgent works. He proceeded to Iravanthe in September 1954 and prepared and submitted the dimensioned sketch early in October 1954. The appellant therefore respectfully begs to submit that there was absolutely no negligence or avoidable delay on his part in submitting the sketch under reference.

Charge No.2: The estimate, with the sketch was received back by the appellant from the Director of Industries and Commerce direct with his memorandum ref. No.4236 X1/54-2 dated 29.12.1954 (copy enclosed) (Page 6) for revising the estimate owing to a difference of opinion regarding the use of Lime mortar instead of Cement mortar. The order was specific as to the revision of the estimate and there were no adverse remarks or directions whatever regarding the sketch in the memorandum of the Director. The statement in the charge Memo No. Rc.14255 E3/55 dated 25.2.1955 that "even after the delay of so many months he did not care to submit an useful and clear sketch which was returned with this office Memo No.4236 X1/54-2 dated 29.12.1954 for revision" is not true to the fact. The appellant still maintains that the sketch is clear enough for the particular item of work concerned, and no expert technical opinion appears to have been obtained as to its unserviceability. The very fact that the estimate was sanctioned on the basis of this plan shows that the plan was good enough

p.t.o

for all practical purposes. The charge is vague and unsustainable. It is therefore very hard and unreasonable to hold the charge as proved.

3. The appellant most respectfully begs to submit in this connection that he is a subordinate of the Chief Engineer, P.W.D., Madras, lent to the Fisheries Department. As such, the Director of Industries and Commerce should have, under Rule 16 (ii) of the Madras Civil Service (Classification) Control and Appeal Rules 1953, consulted the lending authority before stopping his increment. There is no indication whatever in the order of the Director that such consultation had been made. The order of the Director is therefore ultra-vires.

4. In the above circumstances, the appellant respectfully prays that the Government may be pleased to call for the records and cancel the order of the Director stopping his increment for six months.

Kozhikode:
17..6..1955:

Yours faithfully,
Balakrishnan
Appellant.

Copy submitted to the Secretary to the Government Agriculture Department direct to avoid delay.

N. Dis. 6701 F/55 D/24.6.55

Submitted to the Director of Industries and Commerce, Madras.

24.6.55
Assistant Director of Fisheries,
Kozhikode.

14/2/16 30/23/6

To
The Director of Industries
and Commerce, Madras.

-34-

11

True copy of the Proceedings No.D.Dis.14255 E3/55 dated 18.5.1955 of the Director of Industries & Commerce, Madras.

Sub: Balakrishna Sri. I - Fisheries Engineering Supervisor - Kozhikode delay in preparation of estimates for special repairs to Paravanthe Fish curing Yard - charges framed - orders passed.

Ref: 1. This office Memo No.14255 E3/55 dated 25.2.55.
2. Explanation dated 9.3.1955 from Sri. I. Balakrishnan, Fisheries Engineering Supervisor.

.....

The Assistant Director of Fisheries, Mangalore was asked to submit a dimensioned sketch for the work relating to the special repairs to Paravanthe Fish Curing Yard and to furnish the certificate in the estimate as instructed in the circular Memo No.1513 X1/54 dated 10.3.1954. The Assistant Director of Fisheries, Mangalore in turn requested the Fisheries Engineering Supervisor to submit the dimensioned sketch for the above work.

Sri. I. Balakrishnan, Fisheries Engineering Supervisor, submitted the sketch in October 1954 after a lapse of six months. Even after a delay of six months, he did not care to submit a useful and clear sketch and it had to be returned for revision.

The charges framed against Sri.I. Balakrishnan and the explanation offered by him are indicated below:

Charge No.1: that Sri. I. Balakrishnan, Fisheries Engineering Supervisor, submitted the sketch in October 1954 after a lapse of six months.

Explanation: He states that as he had other urgent works he could not go to Paravanthe earlier. He adds that he went there in September 1954 and submitted the estimates and plans early in October 1954.

The period of six months to submit a report is not a tolerable delay. The explanation is therefore not satisfactory. The charge is framed.

Charge No.2: that after a delay of so many months, he did not care to submit a useful and clear sketch.

Explanation: The Fisheries Engineering Supervisor, states that though no sketch need be sent for repairs with reference to the D.Dis.47170 X1/54 dated 3.9.1954, he submitted one as ordered in this office Ac.No.4236 X1/54 dated 20.5.1954.

It is not an excuse for not submitting a clear sketch. When once he submitted the sketch, it should have been complete in all respects. His explanation is therefore not satisfactory. The charge is also proved.

The delay is scandalous. His explanation is not acceptable. His increment is stopped for a period of six months without cumulative effect.

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13 13

True copy of the Memorandum No.4936 A1/54-2 dated 28.12.54 of the Director of Industries & Commerce, Madras.

Sub: Fish Curing Yards - Trivandrum Yard in South Malabar District - Special repairs - estimate sanction of.

Ref: Letter No.5454-C/53 dated 6.10.1954 from the Assistant Director of Fisheries, Mangalore.

The estimate and plan prepared by the Fisheries Engineering Supervisor, Kozhikode are returned herewith. It has been suggested that cement mortar 1 : 4 for plastering, 1 : 5 for concrete and 1 : 6 for masonary may be adopted against lime mortar 1 : 2 allowed in the estimate. The Fisheries Engineering Supervisor, Kozhikode is requested to revise the estimate accordingly and resubmit it through Assistant Director of Fisheries, Mangalore.

Encl: One Estimate in duplicate,
One Plan.

Details of work done during the period 1.4.1954 to 31.3.1955.

S.No.	Details of work	Nos.	Amount.
1.	No. of special repairs estimate prepared	10	Rs.6,495/-
2.	No. of original estimate with detailed plan, site plan and detailed estimate (Minor works)	18	30,950/-
3.	No. of original estimate with detailed plan and site plan and detailed estimate above Rs.5,000/- (Major works)	17	1,89,085/-
4.	No. of original estimates revised	8	34,990/-
5.	No. of estimates scrutinised	105	20,000/-
6.	No. of completion reports (bills) scrutinised	112	
7.	No. of work checkmeasured in various districts.	27	
8.	No. of works inspected in various districts.	27	
9.	No. of buildings classified as permanent, temporary and kutcha and valuated after depreciation	250	
10.	No, of detailed plans submitted	1	

Note:--These works were scattered over Malabar District, South Kanara District, Ramnad District and Coimbatore District under the Assistant Director of Fisheries, Calicut, Assistant Director of Fisheries, South Kanara, Bangalore, Assistant Director of Fisheries (Marine Biology), West Hill, Assistant Director of Fisheries, Madurai and Superintendent, Fisheries Technological Station, Kozhikode and had to tour all over these districts in connection with the above works.

Annexure 17

confdl

Received by 11/Asst

Memo No 71628 E1/55-1 Dt-10.8.55

Sub:- Public Service - M.T.S.S. Balakrishnan (Sri) D. Draftsman Engineering Supervisor - Stoppage of increment - Appeal against the orders of the Dte.

Ref:- Govt Dte Lr No 57352 55/55 dt 3.8.55.

The Dte is requested to furnish very urgently the confidential dossier of Sri D. Balakrishnan. He is also requested to submit the original of the file bearing No Rc 52152 C4/54 of the office of the A.D.T Mangalore and also the

P.T.

18

original of the connected file of the office of the A.D.J. Kozhikode

9/8/80

(080)

9.8.80

Dr.

Area R & H

(C Rd. & Works)

Rgd. in S.E.

1.8.80

C.F. 32 ↑ —70.10.558—20-1-54.

INDUSTRIES AND COMMERCE. Department

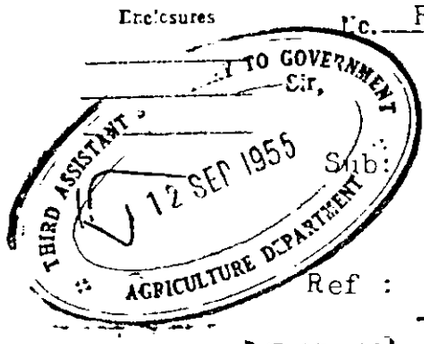
Received _____ Registered _____

From (Name) The Director of Industries and Commerce,
Designation Chepauk,
Station Madras-5.

To

The Secretary to Government,
Agriculture Department.

Enclosures P.C. R.C.57352/E3/55, dated 8-9-1955. 135



Sub: Madras Fisheries Subordinate Service - Balakrishnan Sri I. - Fisheries Engineering Supervisor - stoppage of increment for six months - appeal against the orders of the Director of Industries and Commerce.

Ref : Government Memorandum No.71828-E1/55-1 AGRICULTURE Department dated 11-8-1955.

I forward herewith the original file bearing No.D.Dis.5454/C/54 of the Office of the Assistant Director of Fisheries, Mangalore and file bearing No.L.Dis.1332/C/55 dated 11-2-55 of the Office of the Assistant Director of Fisheries, Malabar for favour of perusal and return.

I have addressed the Chief Engineer (P.W.D.) for the personal file of Sri I.Balakrishnan and I shall forward the same as soon as it is received.

for Director of Industries and Commerce.

v.v/10-9.

Enclosures

1. DDis. 5454 C/54
2. L Dis. 1332 C/55

To A.S.

Agri SI

Submitted for perusal of DDis's letter above. The P.F of the appellant may be awaited till 1-10-55. Meanwhile a note will be prepared.

21 ct

AGRICULTURE (EI) DEPT.

Letter No. 71828 E1/55-5 d/ 17.12.55

To
The Secretary,
Madras Public Service Commission,
Madras. (with enclosures)

Sir,

Sub:- Public Services - Subordinate Services - Madras Fisheries Subordinate Service - Balakrishnan (Sri) I - Fisheries Engineering Supervisor - Appeal against the orders of the DI&C stopping his increment.

I am directed to forward an appeal from Sri.I.Balakrishnan, Fisheries Engineering Supervisor, against the orders of the DI&C stopping his increment for a period of six months for ~~his~~ having delayed the submission of a sketch and estimates for the work relating to repairs of a fish curing yard and for the imperfect execution of the work. ~~In this connection it is pointed out that~~ the appellant is a permanent Supervisor in the P.W.Dept. and his services ~~are~~ have been lent to the Fisheries Dept. ~~and~~ Under rule 16(ii) of the M.C.S.(C.C.&A) Rules, the DI&C should therefore have ~~therefore~~ consulted the C.E., P.W.D., before passing final orders of stoppage of increment ~~in the matter~~ which he has not done. ~~But the DI&C has not done so.~~ Under Article 320(3) of the Constitution of India read with regulation 18(i)(a) of the MPSC Regulations, 1954, I am to request that the advice of the Commission ~~MPSC~~ as to the orders that may be passed on the appeal may be obtained and forwarded to the Govt. at an early date.

3. The records as per the list appended are furnished in original for reference and return along with the reply and their receipt may kindly be acknowledged.

Y/F

Copy to Addl. DI&C.

List of Records.

1. Agri. Dept. file bearing C.No.71828 pp. 1-16
2. DI&C's office file No.14255 E3/55 dated 12.5.55
3. "" No.4236 X1/54 dated 17.3.55.
4. File of the office of ADF, Mangalore, No.5454/53 d/23-7-55.
5. "" "" ADF, Malabar, L.Dis.1332 C/55 d/11.2.55.

} kept below

6. Confidential dossier of Sri.I.Balakrishnan. — receipt from Dste awaited

. . . . .

Received

TEL: "PUBSERCOM"

23.2

From V. M. Ambrose
Sri T.D.Aiyasamy,
Assistant Secretary,
Madras Public Service Commission,
Madras-3.

To
The Secretary to the
Government of Madras,
Agriculture Department
Madras-9.

No. 4993 C /55-1 dated 27-12-1955.

REF: Your department letter No. 71828/E.1/55-5 dated 17.12.1955

DP! - Passed

I am to acknowledge the receipt of the records forwarded with the letter cited.

Yours faithfully,

V. M. Ambrose

Encl: Nil.

Assistant Secretary.

To Ar

Ag. Sr

The Commissioner's final reply may be awaited till 31-1-56

12/1/56.

31/1/56

I

25.25

Department of Industries and Commerce.

THIRD ASSISTANT SECRETARY TO GOVERNMENT AGRICULTURE

From
Sri S.Aruldoss, I.A.S.,
Additional Director of Industries and Commerce, Chepauk, Madras.5.

To
The Secretary to Government,
Agriculture Department,
Fort St.George, Madras.9.

Rc.No.57352 EA 2/55 dated 24-1-1956.

Sir,

Sub: Madras Fisheries Subordinate Service - Balakrishnan Sri I - Fisheries Engineering Supervisor - Personal file -return -requested.

Ref: Your letter No.71828 E.I/55-5 dated 17-12-1955 addressed to Secretary Madras Public Service Commission and copy sent to this office.

PP-Balan

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I submit herewith a copy of letter NO.C.2.3472/55 -2 dated 18-1-56 received from the Chief Engineer, P.W.D.(General), who requires the personal file of Sri I.Balakrishnan, Supervisor, P.W.D.(Formerly Fisheries Engineering Supervisor). I invite your kind attention to your letter cited and request that the personal file of the Supervisor may kindly be obtained from the Commission and sent to me urgently.

For Additional Director of Industries and Commerce.

R.N.24.1.

II

Copy of letter No.C.2.3472/55-2 dated 18th January 1956 from the Chief Engineer, P.W.D., (General), Chepauk, to this office.

Sub:- Madras Fisheries Subordinate Service — Balakrishnan (Sri) I — Fisheries Engineering Supervisor — Personal file — re:

Ref:- Your letter No 57352 EA) 55 dt 12.11.55.

Sub: I invite attention to your letter cited above and request that the personal (CONFIDENTIAL REPORTS) file of Sri I.Balakrishnan, Supervisor, P.W.D. may be please, be obtained and returned to me immediately as it is required for submission to Government in the Public Works Department.

X

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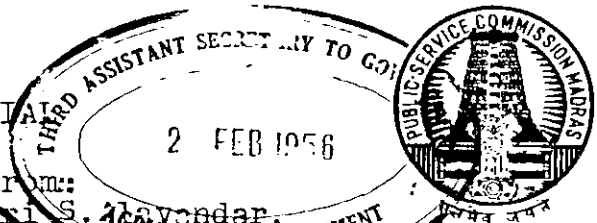
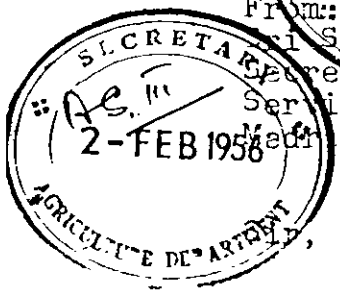
(True Copy)

Superintendent.

25/1.





CONFIDENTIAL

TEL:"PUBSERCOM"

From:
Thiru S. Aravandar,
Secretary, Madras Public
Service Commission,
Madras-2.

To
The Secretary to the Government
of Madras,
Agriculture Department,
Madras--9.

No. 4993-C/55-2, dated 31-1-56.

pp 21-22 ant

APPEAL - Sri I.Balakrishnan, Fisheries Engineering Supervisor - Stoppage of increment - Your department letter No. 71828-EI/55-5, dated 17-12-55.

I am to say that the irregularity committed in this case and pointed out in the letter cited relates to jurisdiction to impose the penalty. The Director of Industries and Commerce had no jurisdiction to impose the penalty on a member of the Madras Engineering Subordinate Service lent to him by the Public Works Department except in consultation with the Chief Engineer, Public Works Department. Failure to consult the Chief Engineer, Public Works Department, is not an irregularity which can be waived under Rule 23(2) of the Madras Civil Service (Classification, Control and Appeal) Rules. In the Commission's opinion the order of the Director of Industries and Commerce imposing the penalty of stoppage of increment on the appellant is void.

2. The Commission advises that the order of the Director of

Industries --

Industries and Commerce stopping the appellant's increment be set aside.

2. The records as per list enclosed are returned.

Yours faithfully,

SECRETARY.

Enclosure: List of records.

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LIST OF RECORDS.

1. Agriculture Department file bearing C.No.71828/Pp 1-16
2. Director of Industries and Commerce's Office file No. 14255/E3/55, dated 12th May 1955.
3. Director of Industries and Commerce's Office file No. 4236/XI/54 dated 17th March 1955.
4. File of the Office of the Assistant Director of Fisheries, Mangalore No. 5454/53, dated 23rd July 1955.
5. File of the Office of the Assistant Director of Fisheries, Malabar, L.Dis. 1332/C/55, dated 11th February 1955.
6. Confidential dossier of Sri I.Balakrishnan.

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draft II

29 3

AGRICULTURE (E.I) DEPARTMENT

MEMO. No. 71878/E.I/55-8 , dated 11.2.56

SUB: PUBLIC SERVANTS - Subordinate Service - M.F.S.S. - Balakrishnan (Sri) I, Fisheries Engineering Supervisor - Stoppage of increment Appeal - P.F. returned.

REF: From the Addl. D.I.& C., Lr. No. 57352/EA-2/55 dated 24-1-56.

The Personal File of Sri. I.. Balakrishnan, Fisheries Engineering Supervisor, is returned herwith to the Addl D.I. & C and he is requested to acknowledge its receipt.

92.56

14/2/56

To The Addl. DI&C (with enclosure - in original), Madras-5.

22/2/56

Industries and Commerce Department. 31

From
Sri S. Aruldoss, I.A.S.,
Addl. Director of Industries and
Commerce, Chepauk, Madras-5.

To
The Secretary to Government,
Agriculture Department,
Madras-9.

Rc.No. 5"352 EA2/55 dated 29-2-1956.

Sir,

Sub: Madras Fisheries Subordinate Service - Balakrishnan Sri I - Formerly Fisheries Engineering Supervisor - Personal file - receipt - acknowledged.

Ref: Government Memorandum No.71878-E1/55-8 Agriculture Department dated 17-2-56.

I acknowledge receipt of the personal file of Sri I. Balakrishnan, formerly Fisheries Engineering Supervisor.

For Additional Director of Industries and Commerce.

Dofts

Agric?

~~Submitted for transmitting the main file~~ has gone to Pers and Pub (Ser) Estt. This will be treated as the main file on its receipt

AGRICULTURE (E.I) DEPARTMENT

ABS: PUBLIC SERVICES - ~~Subordinate Services~~ - Madras Fisheries Subordinate Service - Balakrishnan (Sri) I, Fisheries Engineering Supervisor - Stoppage of increment - Appeal - Orders passed.

READ: 1. From Sri. I. Balakrishnan, Fisheries Engineering Supervisor, petition dated 17-6-55.

2. From the D.I. & C., Letter No. Rc 57352/E3/55 dt. 3-8-55.

3. From the M.P.S.C., Lr. No. 4993/C/55-2 dated 31-1-1956.

G.O. (MS) No: 790 Dated 22/3/56

Sri. I. Balakrishnan, Fisheries Engineering Supervisor, in the M.ES.S. has appealed against the orders of the D.I.& C in his proceedings No. D. Dis 14255/E3/55 dated 12-5-55 stopping his increment for a period of six months without cumulative effect. The appellant is a permanent Supervisor in the Public Works Department. Under Rule 16 (ii) of the M.C.S. (C.C.& A) Rules, the D.I.& C should have consulted the C.E., P.W.D. before passing final orders ~~for~~ imposing the punishment on the appellant which he has not done. The M.P.S.C. which was consulted on the appeal has stated that the procedural irregularity referred to above, relates to jurisdiction to impose the penalty, that the D.I. & C had no jurisdiction to impose the penalty on a member of the Madras Engineering Subordinate Service lent to him by the P.W. Deptt. except in consultation with the C.E., P.W.D., that ~~facilities~~ failure to consult the C.E., P.W.D. is not an irregularity

which can be waived under rule 23 (2) of the M.C.S. (C.C.& A) Rules and that in its opinion the order of stoppage of increment on the appellant is void. The Commission has therefore advised that the above orders of the D.I. & C be set aside. The Govt. accept the advise of the M.P.S.C. and direct that the orders of the D.I. & C in his proceedings No. D Dis 14255/E3/55 dated 12-5-1955 stopping the increment of Sri. I. Balakrishnan, Fisheries Engineering Supervisor for a period of six months without cumulative effect be set aside, forthwith. The Addl. DI&C is, however, informed that he may conduct proceedings against the appellant de novo strictly in accordance with the M.C.S. (C.C.& A) Rules

2. The records as per the appended list are returned to the Addl. DI&C and he is requested to acknowledge their receipt.

9.2.56

14/2/56

CLINICAL DEPARTMENT

Despatched by

To The Addl DI&C

Date To Sri. I. Balakrishnan, Fisheries Engineering Supervisor THROUGH the Addl. DI&C. (Para. 1 only with para 1 of the Commission's letter on Pp 27-28 C.F.)

To The S.F. addl

SCs (3)

APPENDIX

List of Records returned to Addl. DI&C in original

1. D.I. & C'S office file No. 14255/E3/55 dated 12-5-1955
2. D.I. & C's Office file No. 4236/X1/54 dated 17-3-1955.
3. File No. 5454/53 dated 23-3-1955 of the office of the A.D.F, Mangalore.
4. File No. L. Dis No. 1332/C/55/ of the office of the A.D.F., Mangalore.

kept in record.

9.2.56

14/2/56

(Ctp. 31804 £7156)

DEPARTMENT OF INDUSTRIES & COMMERCE.

From
Sri. S.Aruldoss, M.A.S.
Addl. Director of Industries & Commerce, 15, Marshall Rd., Egmore, Madras.8.

To

The Secretary to Government
Agriculture Department.

SECOND ASST. SECRETARY TO GOVERNMENT
31804
13 APR 1956
AGRICULTURE DEPT.

No.C2-57352/55 dt 6-4-56.

Sir,

Sub:- Public Servants - Madras Fisheries Subordinate Service Balakrishnah (Sri) I- Fisheries Engineering Supervisor - stoppage of increments - appeal - orders passed - regarding.

Ref:-G.O.Ms.No.780 Agriculture dt 22-3-56.

The records mentioned in the appendix to the G.O. cited have been received in this office.

20 As.

Agri's

Many lee lodged and added to G.O. No. 780 Agri dt- 22.3.1956 at flag (M).

16.4.56.

17456.

vrs.11-4

P.S. Chacko

For Addl. Director of Industries & Commerce

AGRI. (EI) DEPT

Sub:- Public Servants - Madras Fisheries Subordinate Service - Balakrishnan (Sri)I - Fisheries Engineering Supervisor - Stoppage of increment appeal against the orders of D.I.&C.

Ref:- 1. From the D.I.&C.,Ref.Mo. Rc. 57352 E1/55 dated 3-8-55.

2. Memo. No. 71828 E1/55-1 dated 10-8-55.

3. From the D.I.&C.,Ref.No.Rc. 57352 E1/55 dated 8-9-55.

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To A.S.

The file deals with the appeal from Sri. I. Balakrishnan, Fisheries Engineering Supervisor, in the Fisheries Department against the orders of the D,I.&C. stopping his increment for a period of 6 months, without cumulative effect, for having delaved the submission of a dimensioned sketch for the work relating to the repairs of a fish curing yard and also for having failed to submit a useful sketch even after the delay.

2. In his proceedings dated 20-5-54, the D.I.&C asked the A.D.F. Mangalore to submit a dimensioned sketch for the work relating to the repairs of a fish curing yard. The A.D.F. on 30-5-54 asked the Fisheries Engineering Supervisor, Sri. I. Balakrishnan to prepare and submit the sketch, immediately. The Fisheries Engineering Supervisor submitted the sketch in October 1954 (i.e.,) after a lapse of about six months. Besides the inordinate delay, the sketch submitted by the Supervisor was useless and it had therefore to be returned to him for revision and resubmission. Thereupon the Director framed charges against the Supervisor for the inordinate delay in the matter as well as for the imperfect execution of the work and asked him to show cause against the stoppage of his increment for a period of one year without cumulative effect. The subordinate submitted his explantion on 9-3-55. The Director

considered it unsatisfactory. However the Director took a lenient view and in his proceedings No. D.Dis.14255 E3/55 dated 12-5-55 ordered the stoppage of increment for a period of six months without cumulative effect. The subordinate has now submitted his appeal against the above orders of the D.I.&C. and it will be found at pages 3-9 c.f

3. The appellant is a regular supervisor in the Public Works Department and his services are lent to the Fisheries Department. The appeal is in order and therefore not liable to summary rejection. With reference to Regulation 18(1)(a) of the M.P.S.C.Regulations 1954 the Commission has to be consulted, the appeal being a statutory one. Before going into the merits of the case, it is examined below whether the D.I.&C. has complied with the provisions of the M.C.S.(C.C.&A) Rules in the conduct of the proceedings against the appellant:-

(i) The punishment (i.e., stoppage of increment) inflicted on the appellant comes under rule 8(iii) of the M.C.S. (C.C.&A) Rules, and according to rule 17(a) of the said Rules, before inflicting this punishment, the person shall be given a reasonable opportunity of making any representation that he may desire to make and such representation if any shall be taken into consideration before the order imposing the penalty is passed. In the present case the appellant has been given an opportunity to defend himself against the proposed punishment and his representation in the matter taken into acoount by the Director before passing final orders.

(ii) According to rule 16(ii) of the M.C.S.(C.C&A) Rules when person to be punished has been lent to the punishing authority, the Punishing authority before imposing any punishment other than compulsory retirement or removal or dismissal, (should consult the lending authority) unless otherwise provided by the specific orders by the Governor. In the present case, the appellant being a regular supervisor in the

Public Works Department and his services lent to the Fisheries Department, the D.I.&C., (the punishing authority) should have consulted the C.E., P.W.D. (the lending authority) before inflicting the punishment. But the Director has reported that the fact that the appellant was a subordinate of the Public Works Department was lost sight of and the Chief Engineer was not consulted before hand as required under Rule 16(ii) of the M.C.S. (C.C.&A) Rules. But the Director considers that this omission has not done any injustice to the appellant as he has been given sufficient opportunity to defend himself. He has therefore suggested that the procedural flaw, referred to above, may be disregarded under the provisions in rule 23(2) of M.C.S.(C.C.&A) Rules.

N on p 2 of

✓ p 28 of MSM Vol I

'N' on p 2 of

✓ p 31 of MSM Vol I

It is submitted that according to rule 23(2) of the M.C.S. (C.C.&A) Rules any error or defect in the proceedure followed in imposing a penalty may be disregarded by the appellate authority if such authority considers for reasons to be recorded in writing that the error or defect was not material and has neither caused injustice to the persons concerned, nor affected the decision of the case. In this case, the D.I.&C. considers that the non-compliance with rule 16(ii) of the M.C.C.(C.C.&A) Rules has caused no injustice to the appellant as he has been given an opportunity to defend himself. But it is submitted that giving an opportunity to defend against the proposed punishment is only compliance with some other specific rule (i.e., rule 17(a) of the M.C.S.(C.C.&A) Rules and therefore it can hardly be taken as a sufficient ground to ignore the non-compliance with some other rule. Further attention in this connection is also invited

Vide p 31 of M.S.M. Vol I

" "

(vide 'N' on p 2 of)

p 28 of MSM Vol I

5

to the recent instructions issued in G.O.No. ~~1539~~ 1532 at (T) vide Amps 3 of (T) Public (Services) dated 7-5-55 according to which in the case of officers lent by one Department or office to another, the disciplinary authority in respect of the post held by the officer for the time being should consult the lending authority before imposing penalties other than compulsory retirement or removal or dismissal and their opinion of the latter (the lending authority) should prevail. Besides the appellant has also pointed out this procedural error in his appeal. In the circumstances stated above, it seems desirable to set aside the orders of the D.I.&C in his proceedings No. D.Dis.14255 E3/55 dated 12-5-55 inflicting the punishment on the appellant for the procedural flaw pointed out above and to ask the Director to conduct the proceedings (de novo) against the appellant fully in compliance with the provisions in the M.C.S. (C.C.&A) Rules, (and pass fresh orders) for orders.

para 3 onpg 9 of (P)

pp 15-17 of (P)

A

If 'A' above is accepted, it does not seem necessary to consult the Commission with reference to regulation 18(1) of the M.P.S.C. Regulations as it is only to set right the procedural defect in the conduct of the proceedings. The Public (Services) Department may be requested to advise this Department on this point also.

p12 of M.S.M.W.I.

After orders are passed, the file may be sent to Public (Services) for remarks.

Not consulting the CE(PWD) is only a minor procedural error which does not affect the merits of the case and the punishment imposed on the appellant. Subordinates are free to be indifferent and in this case the delay was for five months. Stern measures of discipline are necessary to enforce control. Under Rule 23(2) of the MCS (CCA) Rules, the

Ue 14/10/55
Ue 5/X/55

DE/ Rule (Serv)

F.F.X 7/10/55

5 Dee P.F of 'A' Remind and file P.F / awaiting from Dept A draft reminder to Dept submitted for approval

Ue 7/10/55

S (contd)

non consultation with the CE (P&D) may be disregarded as not affecting the merits of the case and causing no injustice to the appellant. MPSC may be informed accordingly and consulted on the appeal.

Pub (Ser) PWD I may see for remarks

B
7/XII

DS

I may be seen

Pub (Ser)

Agri. Secn. 718288/55-3
18/10/55

Public (Services-D) Deptt.

The note of Agri. from page 1 ante may be perused.

'S' on pp.4-5 above:- It does not appear correct to say that non-observance of the procedure laid down in rule 16(ii) of the M.C.S.(C.C.& A.) Rules in this case has not caused any injustice to the petitioner. According to the instructions contained in para 8 of G.O.Ms.No.1532, Pub(Ser), dated 7-5-55, the opinion of the lending authority should ordinarily prevail over that of the borrowing authority in such cases. If the lending authority would have recommended otherwise when consulted, the present orders passed by the D.I.& C. should be deemed

p.t.o.

ASSISTANT SECRETARY TO GOVERNMENT
11 OCT 1955
4095
CHIEF SECRETARIAT

X

to have caused injustice to the petitioner.

There is thus a defect in the procedure followed by the D.I.& C. and it does not seem that this defect can be disregarded in this particular case by invoking the provisions in rule 23(2) of the M.C.S.(C.C.& A.) Rules.

A

The representation from Sri Balakrishnan is an appeal to the State Govt. against the orders passed by the D.I.& C. The Commission should therefore be consulted under Regulation 18(1)(a) of the M.P.S.C.Regulations, 1954. The defect in the procedure followed by the D.I.& C. and referred to above may be pointed out to the Commission.

B

The file may be passed on to P.W.D.

19.X.55

15/10/55.

20.10.55

P.W.D

Pub (Ser.D) M.O. 4095/55-1
20-9-55

P.W.D (M3)

The notes of the Agri and Pub (Ser) depts. on pp 1-6 above may be perused. The views of the Pub (Ser) dept. may be agreed to in this dept.

2. The file may be returned to the Agri dept.

THIRD ASSISTANT SECRETARY TO GOVERNMENT
95889(A)
2-11-1955
AGRICULTURE DEPARTMENT

30.X.55.

31.10.55.

31.10.55

1.11.55
Agri

P.W.D M.O. No.
1681/M-M/55-1
1-11-55

AGRI (EI) DEPT.

To A.S.

The notes of the Pub (Ser) Dept. and P.W.Dept. at pp. 5-6 above may be perused.

The appeal from Sri. I. Balakrishnan may now be referred to M.P.S.C. as already ordered at 'A' on p. 5 above. The MPSC may also be told of the procedural defect, as suggested by the Pub (Ser) Dept. at 'B' on p. 6 above. Subject to orders a draft letter to the M.P.S.C. is submitted for approval.

Pub (Ser) may see before circulation.

8/11/55

5.11.55

13/11/55

Pub (Ser.D) Dept

(Previous noting of this Dept on pp. 5-6 ante)

The subsequent notes of P.W and Agri. from the bottom of p. 6 ante and the draft letter to the comm^n below may be perused and the file returned to Agri.

Pub (Ser.D) No. 4601/55-1
28.11.55

28.11.55

28.11.55

Agri

ASSISTANT SECRETARY TO GOVERNMENT
17 NOV 1955
4601
CHIEF SECRETARIAT

SECRETARY TO GOVERNMENT
29 NOV 1955
AGRICULTURE DEPT.

8

Agriculture (E.I) Department

NOTE FOR CIRCULATION

The file deals with the appeal from Sri. I. Balakrishnan, Fisheries Engineering Supervisor, against the orders of the Director of Industries and Commerce, stopping his increment for a period of six months without cumulative effect, for his having delayed the submission of a dimensioned sketch for certain repairs of a fish-curing yard and also for having failed to submit a useful sketch even after the inordinate delay.

The appeal is in order and is not liable to summary rejection. Since it is a statutory appeal, with reference to Regulation 18 (i) (a) of the Madras Public Service Commission Regulations, 1954, the Commission has to be consulted before passing final orders on it. This Department therefore propose to refer the appeal to the Commission for its advice as to the orders that may be passed on the appeal. The Public (Services) Department have agreed with the proposal.

The appellant is a permanent Supervisor in the Public Works Department and his services are lent to the Fisheries Department. Under Rule 16 (ii) of the Madras Civil Service (C.C. & A) Rules, while punishing the lent officers, the punishing authority should consult the lending authority before passing final orders inflicting the punishment. In the present case the Director of Industeis and Commerce has failed to comply with the requirements of the above rule as the Chief Engineer, P.W.D. was not consulted before passing final orders. But the Director considers that the above omission could not have done any injustice to the appellant as he has been given reasonable opportunities for making his

representations against the proposed punishment The Director has therefore proposed that the above defect in procedure may be disregarded by ~~involging~~ invoking the provisions under Rule 23 (2) of Madras Civil Service (C.C. & A) Rules. But it has been observed that according to the instructions issued in G.O. No. 1532, Public (Services) dated 7-5-1955, the opinion of the lending authority on the punishment proposed against the lent officer should ordinarily prevail over that of the borrowing authority and in the present case if the Chief Engineer, P.W.D. had recommended otherwise, when consulted by the Director of Industries and Commerce, the present orders passed by the latter should be deemed to have caused injustice to the appellant. The Public (Services) Department therefore consider that it is doubtful whether the above defect in procedure could be disregarded as suggested by the Director of Industries and Commerce. They have, therefore, advised that the defect in procedure referred to above may be pointed out to the Commission while refering the appeal to it. The Department propose to accept the advice of the Public (Services) Department.

It is for orders regarding circulation to M (A) for approval of the proposals at 'A' and 'B' above and the draft letter to the Commission, which has been accepted by the Public (Services) Department.

3/12/55

12/12/55

D.S
N. Muniswamy
14/12/55

SECRETARY
17 DEC 1955
AGRICULTURE DEPARTMENT

M(A) 17 DEC 55

(Issued as Lr. No. 71828/E.I/55-5, dated 17-12-1955 to the Madras Public Service Comm).

(From the M.P.S.C., Letter No. 4993/C/55-2, dated 31--1--1956).

To A.S.

The file deals with the appeal from Sri. I. Balakrishnan, Fisheries Engineering Supervisor, against the orders of the Director of ~~Fisheries~~ Industries and Commerce, stopping his increment for a period of six months without cumulative effect, for his having delayed the submission of a dimensioned sketch for certain repairs of a fish-curing yard and also for having failed to submit a useful sketch even after the inordinate delay.

2. The appellant is a permanent Supervisor in the Public Works Department and his services are lent to the Fisheries Department. Under Rule 16 (ii) of the Madras Civil Service (C.C. & A) Rules, while punishing the lent officers, the punishing authority should consult the lending authority before passing final orders inflicting the punishment. In the present case it was observed that the Director of Industries and Commerce did not comply with the requirements of the above rule as the Chief Engineer, P.W.D. was not consulted before passing final orders. While referring the appeal to the Commission for its advice as to the orders that may be passed on the appeal, the above procedural irregularity was also pointed out to it.

3. Attention is now invited to the letter from the Commission at Pp 27-28 c.f. For the reasons explained in para. 1 of its letter, it has advised that the orders of the D.I. & C imposing the punishment of stoppage of increment on the appellant be set aside. It is submitted that it has already been observed that the procedural irregularity committed by the Director in the present case cannot be disregarded by invoking the provisions in Rule 23 (2) of the M.C.S. (C.C. & A) Rules. In the circumstances it is for orders whether

A

the advice of the Commission will be accepted.

4. The orders of the D.I. & C imposing the punishment on the appellant are proposed to be set aside as the Director did not fully comply with the procedure prescribed under the M.C.S. (C.C. & A) Rules, in the conduct of the proceedings against the appellant. The appellant will not, however, be exonerated of the charges against him. The Addl. DI&C may therefore be informed that he may conduct proceedings against the appellant de novo strictly in accordance with the M.C.S. (C.C.& A) Rules. For orders.

B

3. According to Rule 19 of the M.P.S.C. Rules of Procedure, in any disciplinary matter or on any memorial or petition relating to such matter in which the Commission has been consulted, a copy of its opinion in the matter or the portion of the opinion, which relates to particular officer shall unless the order passed on the case is one of acquittal or unless otherwise ordered by the C.M., be communicated to him along with a copy of the order of authority empowered to pass orders on the case. In the present case, the proposal is only to set aside the orders of the Director imposing the punishment on the appellant for certain procedural defects in the conduct of proceedings against the appellant. Hence para 1 of the Commission's letter on Pp 27-28 c.f. relating to the appellant, may be communicated to him along with a copy of the order on his appeal. For orders.

C

Subject to orders a draft Order is submitted for approval. It is also submitted that the Addl. DI&C has reported that the Personal File of the appellant, Sri. I. Balakrishnan is urgently required by the C.E., P.W.D.. The P.F. of Sri. I. Balakrishnan may therefore be returned to the Addl DI&C . Subject to orders, a draft Memo. is submitted for approval.

5. P.W. and Public (Services) Departments may see before circulation to M (A) and C.M.

9/2/56 9.2.56

A' 'B' & 'C' ord 11 above may be approved.

14/2/56

Public (Services-D)Dept.

(Last seen on p.7 ante)

The subsequent note of Agri. from p.8 ante and the draft order below may be perused.

C on p.11 ante: In the present case the proposal is to set aside the order of the D.I. & C. imposing the penalty of stoppage of increment on the appellent for certain procedural defects in the conduct of the proceedings. It is also proposed to direct the A.D.I& C. to start fresh procedings against the appellent strictly in accordance with the rules. The order to be passed can therefore be deemed only as an interim order and cannot, it seems be brought within the ambit of rule 19 of the M.P.S.C. Rules of Procedure. It is not therefore necessary to communicate a copy of the Commission's letter to the appellent as ~~proposed~~ proposed.

May be passed on to P.W.D.

29.2.56 29/2/56 1.3.56

P.W.D. 762/56-1 3-56

P.W.D (M3)

The notes from p10 ante and the draft order below may be passed. The proposals of the Agri Dept at 'A' and 'B' on p11 ante may be agreed to in this dept.

2. The file may be returned to the Agri dept.

23.56

2.3.56

P.W.D Mio. No. 1236 M/56-1 3-3-56.

(BDK) 5-3-56

E.I.

(Issued Cs M Gno No 71878 Σ7/55-8 dt 17.2.56 to Addte)

(Issued the Addte b no 57852 Σ A2/55 dt 29.2.56.)

P.T.O

(71828 E7/55)

Agre(E I) Dept.

Note for circulation.

The file deals with the appeal from Sri I. Balakrishnan, Fisheries Engineering Supervisor, against the orders of the D.I.&C., stopping his increment for a period of six months without cumulative effect. The facts of the case briefly are narrated below.

2. In his proceedings dated 20.5.54 the D.I.&C. asked the A.D.F., Mangalore to submit a ~~dim~~ lineioned sketch for the work relating to the repairs of a fish curing yard. The A.D.F. on 30.5.54 asked the Fisheries Engineering Supervisor, Sri I. Balakrishnan to prepare and submit the sketch immediately. The Fisheries Engineering Supervisor submitted the sketch ~~on~~ in October 1954 (ie) after a lapse of about six months. Besides the inordinate delay, the sketch submitted by the Supervisor was useless and therefore it had to be returned to him for revision and resubmission. The Director found the Supervisor guilty of inordinate delay and also imperfect execution of the work inspite of the delay. Therefore, in his proceedings dt.12.5.55 the Director ordered the stoppage of increment of the Supervisor for a period of six months, without cumulative effect.

3. Sri I. Balakrishnan has now appealed against the above orders of the D.I.&.C. The appellant is a permanent Supervisor in the P.W. Dept. and his services are lent to Fisheries Dept. Under rule 16(ii) of the Madras Civil Service (classification, control and Appeal) Rules, while punishing the lent officers, the punishing authority should consult the lending authority before passing final orders inflicting the punishment. In the present case, it has been observed that the D.I.&.C. did not comply with requirement of the above rule, as the C.E., P.W.D. was not consulted before passing final orders. While referring the appeal to the A.P.S.C. the above

pp3-9 y

× pp15-17 y of (P)

pS y of (Q)

pH1 y of (R)

only para 3 on p1 y

— do — —

pp15-17 By of (P)

pp3-9 y

Non p2 y

(x) p28 of MSM vol I (not printed)

Non p2 y

pp 21-22 y

procedural irregularity was also pointed out to it.

4. The M.P.S.C. has stated that the D.I.&.C. had no jurisdiction to impose the penalty on a member of the Madras Engineering Subordinate Service, except in consultation with the C.E., P.W.D. and that the failure to consult the C.E., PWD, in the present case is not an irregularity which can be waived. The Commission is of opinion that the order of the D.I.&.C. imposing the penalty of stoppage of increment on the appellant is void. The Commission has therefore advised that the orders of the D.I.&.C. stopping the increment of appellant be set aside. This Dept. have proposed to accept the advice of the Commission. P.W.D. and Pub.(Services) Depts. have agreed with this proposal

5. The orders of the D.I.&.C. imposing the penalty on the appellant is proposed to be set aside only because the Director did not comply with the requirements of the MCS(CC&A) Rules in the conduct of the proceedings against the appellant. This Dept. have therefore proposed to ask the Addl. D.I.&.C. to conduct the proceedings against the appellant de novo., strictly in accordance with the MCS(CC&A) Rules. PW and Public (Ser.) Depts. have agreed with this proposal.

6. According to rule 19 of the M.P.S.C. Rules of Proceedure, in any disciplinary matter or on any memorial or petition relating to such matter in which the Commission has been consulted, a copy of its opinion in the matter or the position of the opinion which relates to the particular officer, shall unless the order passed on the case is one of acquittal or unless otherwise ordered by the C.M., be communicated to him along with a copy of the order of the authority, empowered to pass orders on the case. This Dept.

(C.No 718285/55)

accordingly proposed to communicate a copy of the Commissions opinion to the Appellant. The Pub.(Ser) Dept. have pointed out that in the present case the proposal is to set aside the orders of the L.I.&.C. imposing the penalty of stoppage of increment on the Appellant for certain procedural defects in the conduct of the proceedings and that it has been proposed to ask the Addl. D.I.&.C. to conduct proceedings against the Appellant de-novo, strictly in accordance with the rules. They therefore consider that the present order on the case may be deemed only as an interim order and that it cannot be brought within the ambit of rule 19 of the A.P.S.C. Rules and Proceedure, referred to above. They have therefore advised that it is not necessary to communicate a copy of the Commission's opinion to the Appellant. This Dept. propose to accept the above views of the Pub.(Ser.) Dept. P.W. and Public (Ser.) Depts. have accepted the draft order below with reference to the proposals at 'A' and 'B' on page 15 above.

7. The file may now be circulated to M(A) for approval of the proposals at 'A' and 'B' (and C in paras 4, 5 and 6) above and the draft order below.

9/3/56

9.3.56

17356

Draft-order states the case

DS

M(A)

17356

(M 'A') M. Bhaktavatsalam 20356

[Issued as G.O.Ms 780 Agri dt/22-3-56]

SECRETARY 20 MAR 1956 AGRICULTURE DEPARTMENT

DEPUTY SEC 20 MAR 1956 AGRICULTURE DEPARTMENT